OVERVIEW and RECOMMENDATIONS

MARINE FISHERIES ADVISORY COMMITTEE Juneau, AK · June 29- July 1, 2010

The Marine Fisheries Advisory Committee (MAFAC or 'the Committee') met June 29- July 1, 2010 at the Prospector Hotel in Juneau, Alaska. Tom Billy, Chair, presided at this second scheduled meeting in calendar year 2010.

A summary meeting report covered three days of work is in Appendix A (*completion is pending*), and the meeting agenda is in Appendix B. Day 1 focused solely on the Deepwater Horizon oil spill in the Gulf of Mexico, current activities that are engaging NMFS and NOAA such as scientific activities, ensuring seafood safety, and assessing ecological and economic impacts; declaration of federal fishery disasters; conducting natural resource damage assessments; and NOAA's regulatory responsibilities related to past and future activities on the outer continental shelf. Day 2 focused on other topics: Protected Resources programs and regulatory responsibilities; development of an Aquaculture Policy; recreational fisheries issues, the recent Recreational Fisheries Summit and next steps for engagement; budget and status of the NOAA Next Generation Strategic Plan. On Day 3, a briefing was provided on the NOAA Catch Share Policy and when it was scheduled to be finalized.

Each day, subcommittees met to further consider the information presented and to develop recommendations and action. Subcommittee reports were presented to the full committee for consideration and discussion on Day 3 and approved recommendations are presented near the beginning of this Summary Meeting Report.

The meeting was open to the public in accordance with the provisions of Public Law 9-463, and a public comment period was offered. The following is a synopsis of the Committee's discussions and actions (numbers in parentheses correspond to page numbers of the daily transcript, available online at http://www.nmfs.noaa.gov/ocs/mafac/meetings/2010 06/index.htm).

Committee members present:

Mark Holliday, Executive Director

Tom J. Billy, Committee Chair

Heather D. McCarty, Committee Vice-Chair

Terry Alexander

Randy Fisher

Catherine L. Foy

Ken Franke

Randy Cates

Steve Joner

Anthony Chatwin John (Vince) O'Shea

Paul Clampitt George Nardi
Pamela Dana Tom Raftican
Bill Dewey Keith Rizzardi
Ed Ebisui David H. Wallace

Staff of NOAA and the National Marine Fisheries Service providing presentations to MAFAC or staffing the meeting included:

Paul Doremus, Acting Deputy Assistant Administrator, NOAA Office of Program Planning and Integration

Jon Kurland, Assistant Regional Administrator for Habitat Conservation, NMFS Alaska Region
Jim Lecky, Director, Office of Protected Resources, NMFS Headquarters
Heidi Lovett, Policy Analyst, Policy Office, Office of the Assistant Administrator
Kari MacLauchlin, Knauss Sea Grant Fellow, Policy Office, Office of the Assistant Administrator
Dr. Steve Murawski, Director of Scientific Programs and Chief Science Advisor
Dr. Jeep Rice, Habitat Assessment and Marine Chemistry Program Manager, Alaska Fisheries Science
Center

Eric Schwaab, Assistant Administrator for Fisheries Robert Wolotira, Habitat Restoration Specialist, NMFS Restoration Center, Seattle, WA

Members of the public in attendance for all or a portion of the meeting were:

Dr. James Balsiger, Regional Administrator, NMFS Alaska Regional Office Heather Brandon, World Wildlife Fund
Bill Brown, Member, MAFAC Recreational Fisheries Working Group
M.B. Cerne, US Coast Guard
Dave Cowforth
Katherine File
Tom Gemmell, Marine Conservation Alliance
Stephen Grabacki
Glenn Haight
Stephanie Madsen, At-Sea Processors
Michelle Ridgeway
Randy Rive, ASMI
Arni Thomson, United Fishermen of Alaska
Mark Vinsel

MAFAC RECOMMENDATIONS

Each of the following subcommittee reports and recommendations were approved by MAFAC on the third day of the meeting, July 1, 2010.

A. DWH- Joint Ecosystem Management and Protected Resources Subcommittee

Transcript, Day 3, p. 177
Keith Rizzardi and Bill Dewey, Acting Subcommittee Chairs

The BP oil spill disaster threatens the health of the Gulf of Mexico fishery, the protected species in that ecosystem, and the livelihoods and lifestyles of the regional residents. MAFAC believes that many lessons will be learned from the disaster, but already, MAFAC has identified potential responsive measures that can be implemented by NOAA. Most significantly, additional science is essential to successful ecosystem management, and that scientific information will inform the long-term response to and recovery from the disaster. Changes to NOAA's implementation of its regulatory authority are necessary. NOAA, the nation, and indeed, the entire international community, needs to invest additional money and efforts into disaster preparedness and prevention to confront the challenges and consequences of ocean energy development and management.

NOAA, its federal partners, and the global community should improve its collection, funding, and use, of scientific information related to ocean energy.

- 1. MAFAC encourages NOAA to develop a Memorandum of Understanding with the Bureau of Ocean Energy. In that document, the federal entities should:
 - A. Ensure that fisheries management and food safety are adequately and appropriately considered in risk management decisions related to ocean energy development and management.
 - B. Establish a funding mechanism from lease or other revenues to contribute towards scientific programs for the development of baseline and trend data for fisheries, marine mammals, and protected resources for areas at higher risks of damage from ocean energy development and management.
 - C. Develop a process for receipt of expert assistance from other governmental and non-governmental entities, and foreign nations (with procedures to suspend the Jones Act as appropriate), so that NOAA can better respond to and mitigate for the consequences of ocean energy disasters.
- MAFAC encourages NOAA and NMFS to continue to develop a high quality comprehensive baseline dataset that can improve management and regulation of ocean energy and other industries. NOAA and NMFS should also ensure that the baseline dataset includes adequate stock assessments, ecosystem status data, and other information consistent with Vision 2020 and recommendations of the Ocean Policy Task Force.
- 3. MAFAC further encourages NOAA to work with the Council on Environmental Quality and to develop an Ocean Trust Fund with dedicated revenue sources to fund the nation's ocean management obligations, consistent with the recommendations of the Ocean Policy Task Force.

 MAFAC will provide further advice and input regarding the development of the Ocean Trust Fund.

NOAA should modify its implementation of its regulatory authority associated with ocean energy development and management.

- 4. MAFAC finds that 30 days is an unreasonably short period of time to allow the federal regulatory agencies to review exploratory well applications, and encourages NMFS and NOAA to seek revisions to the review process as appropriate.
- 5. MAFAC recommends that once disaster response efforts in the Gulf of Mexico shift to disaster recovery, NMFS should use its damage assessments as a basis for reinitiating ESA consultation on biological opinions covering affected listed species in the region. MAFAC believes that the Deep Water Horizon spill constitutes new information affecting listed species and critical habitat, and in light of this new information, MAFAC recommends -- resources permitting -- that as soon as possible after the spill is contained that consultation be reinitiated for the Five-Year Outer Continental Shelf Oil and Gas Leasing Program (2007-2012) in the Central and Western Planning Areas of the Gulf of Mexico. This recommendation is consistent with Section 13 of the Biological Opinion regarding consultation reinitiation.

6. MAFAC requests NOAA recommend to the FDA and the Gulf states that the recently established reopening criteria for oyster growing areas be considered interim until they can be appropriately vetted by the Interstate Shellfish Sanitation Conference (ISSC). In light of the unusual circumstances presented by the DWH disaster, NOAA should also encourage the ISSC Executive Board consider a process to evaluate and approve reopening criteria as soon as possible and not to wait for their biennial process.

NOAA should improve disaster preparedness and prevention efforts related to ocean energy development and management.

- 7. MAFAC notes that major oil spills occur on a periodic basis, and further notes that past assumptions may insufficiently predict the magnitude of major oil spills and the potential consequences for fisheries, marine mammals, and listed species. Accordingly, MAFAC recommends that NOAA:
 - A. revise its regulations and guidance documents to ensure that future biological opinions determine whether projects with potentially catastrophic impacts on fisheries and protected resources contain adequate disaster preparedness and response plans;
 - B. develop new programs to research the effects of oil and dispersants on fish and shellfish reproduction; and the potential secondary effects of oil and dispersants on human health;
 - C. invest in research and development, and require regulated entities to invest in research and development, of new technologies to mitigate impacts of ocean oil spills;
 - D. consult with domestic and international expert organizations to enhance its capacity for emergency response to ocean energy disasters, and champion the development of an international oil disaster response organization.

Ecosystem & Fishery Management Impacts:

8. MAFAC recommends that NOAA, consistent with the Natural Resource Damage Assessment process, schedule a public process to assist with development of specific criteria to select restoration projects related to the BP Gulf Oil spill. MAFAC encourages the inclusion of this topic on the agenda for the next meeting.

B. Protected Resources Subcommittee Report

*Transcript, Day 3, p. 218*Catherine Foy, Subcommittee Chair

MAFAC recognizes Endangered Species Act implementation as one of the National Marine Fisheries Service's most important obligations. But the rigid timeframes in the ESA, the process for third-party petitions, the limited agency staffing, and the scientific complexity of the issues can, at times, inhibit

NMFS successful implementation of the statute. Accordingly, MAFAC offers the following recommendations.

- MAFAC recommends NMFS should give increased attention to celebrating and publicizing the
 successes of the ESA, in part, by completing the process of downlisting or delisting species where
 appropriate. In particular, NMFS should evaluate the existing science on sperm whales, complete
 its determination on whether the Hawaiian populations of green sea turtles or humpback whales
 constitute distinct population segments, and determine whether these species or their distinct
 population segments can be downlisted or delisted.
- 2. MAFAC notes that a thorough scientific analysis takes time, and expresses its concern that some petitions to list species -- such as a recent petition to list 83 species of coral may not be adequately responded to within the statutory timeframes of 90 days (for an initial determination) or twelve months (for a final determination). MAFAC also notes its concerns that the deadlines associated with this petition process, as well as the associated litigation and court orders, can, at times, limit the full exploration and exercise of NMFS' scientific expertise and also renders NMFS unable to meet its existing priorities. For example, deadlines associated with listing petitions for new species can interfere with existing efforts to develop and implement recovery plans for species already listed. To the extent that the ESA petition process requires a deadline for NMFS to respond, MAFAC encourages NOAA to ask Congress to consider whether alternatives such as an "unreasonable delay" standard, as included in the Federal Administrative Procedure Act, would be more appropriate.

C. Recreational Fish Subcommittee Report

*Transcript, Day 3, p. 237*Ken Franke, Subcommittee Chair

NOAA hosted a Recreational Saltwater Fishing Summit on April 16, 2010 in Alexandria, Virginia. The Summit —the result of a promise made by Dr. Jane Lubchenco, Administrator of NOAA — sought to improve the level of trust between NOAA and the saltwater recreational fishing community necessary to effectively meet today's ocean management challenges. 170 participants from the Recreational Sportfishing groups from throughout the United States were invited to participate. The participants included members from MAFAC and the Recreational Fishing Working Group.

Following the Summit, on June 21, NOAA hosted a conference call with the MAFAC Recreational Fishing Sub-committee and the RSWG. The purpose was to discuss the Recreational Fishing Action Agenda for the purpose of providing MAFAC with input on future recreational fishing recommendations to the Secretary.

Instructions were given to the RFWG as follows:

"Built from input provided by Summit participants, the action agenda is a living guidance document that will evolve as challenges are overcome and new priorities arise. We need your help in reviewing the action agenda to ensure we're tackling the most pressing issues and meeting the expectations of the recreational fishing community.

As you read through the document, please keep in mind a couple of questions:

- 1. Are there critical objectives/activities that may be absent or should be amended/removed?
- 2. How you would prioritize the proposed list of objectives and actions?
- 3. What are the areas where you personally would be willing to actively engage?"

There were 24 persons on the conference call. Consensus indicated the action agenda was an accurate reflection of the summit. It was acknowledged NOAA did a good job developing this opportunity to interact with the recreational fishing community. The following represents the overarching themes recommended for consideration by NOAA, direct to the action agenda content.

- 1. That the action agenda drill down into measurable action items with deliverables and due dates.
- 2. That there be equitable representation on the management councils, panels and committees, and that consideration be given to compensation for members of the sub-panels.
- 3. That NOAA staff interact more directly with the fishing community and that recreational fishing coordinators be assigned full time for each region. Currently they are in some cases collateral assignments.
- 4. That communications effort is provided that include non electronic media outreach with consideration given to regional issues, the human element, level of education and the diversity of languages.

There were three additional items that were recommended for action as related to the oil spill. These were independent action items that the RFWG felt NOAA should consider.

- 1. Evaluate the impact of dispersants on fisheries both in the short and long term.
- 2. Push for immediate economic assistance to the fishermen impacted by the oil spill before they are placed beyond the point of recovery.
- 3. Postpone the MRIP pilot project in the Gulf because the data product will be inaccurate.

RECREATIONAL Fisheries Subcommittee Meeting - June 30,2010

At the Recreational Fisheries Subcommittee meeting on June 30, 2010, the Draft Action agenda and comments from the RFWG were considered. The product of the discussion was the following recommendations:

MAFAC PROPOSED RECOMMENDATIONS

RFWG Tasking and Management - MAFAC endorses the following:

- 1. That the RFWG continue to provide input on recreational fishing issues as directed by the Recreational Fisheries Sub-committee.
- 2. That the RFWG be tasked with ongoing identification of regional specific concerns/solutions and to act as a focal point and data source for MAFAC.
- 3. That the RFWG work to identify impacted groups and organizations for regional NOAA Recreational Fisheries representatives to establish an improved communications network.
- 4. That RFWG determine what methods of communication can be utilized in their region to get information out to the public in the most effective manner. This includes specific sources where

anglers currently receive and distribute information, such as newsletters, radio shows, list serves, magazines, etc. Consideration should be given to non-electronic media outreach, the human element, level of education and the diversity of languages.

Recreational Saltwater Fishing Action Agenda (June 2010 Draft) – MAFAC recommends the following:

- 1. That NOAA move forward with implementation of the action agenda with consideration given to prioritizing issues. MAFAC further recommends that NOAA considers all stakeholder groups when implementing the objective "Ensure appropriately balanced stakeholder representation in a range of decision-making processes."
- 2. That NOAA considers community outreach on the topic of marine conservation in their communications to the recreation fishing public.
- 3. MAFAC recommends that NOAA monitor the opportunities in the FY2011 budget to potentially fund a) cooperative research, b) stock assessments of key valued species, and c) analysis of recreational fisheries related social economic impacts.

MAFAC also discussed that Fishery Management Councils are already under legal obligations to periodically review quota allocations, thus MAFAC considered it unnecessary to state what was formerly item 4, "That NOAA provide guidance to the Councils to conduct periodic reevaluations of quota allocations and adopt a broad range of biological, social and economic criteria as the basis for rational reasonable allocations."

D. Strategic Planning, Budget, Program Management Subcommittee Report

*Transcript, Day 3, p. 338*Heather McCarty, Subcommittee Chair

The Subcommittee focused on the following topics:

- 1. MAFAC comments on the developing NOAA Strategic Plan
- 2. MAFAC comments and recommendations on the requested Budget Tracking Model
- 3. MAFAC comments on, and role in, the NOAA budget process.
- 4. Review and possible revision of the MAFAC 2020 document to align with new priorities

The subcommittee did not take votes on all of the following recommendations, but was comfortable with each of them being forwarded to the full Committee for their consideration.

NOAA Strategic Plan; MAFAC 2020 review and revision

In the strategic plan, adequate emphasis should be placed on partnership with the states.

Regarding additional comment on the NOAA strategic plan, and the possible revision of the MAFAC 2020 document, the subcommittee agreed that the most efficient way to proceed was for the subcommittee to compare the 2020 document to the NOAA strategic plan in a teleconference

meeting. From that simultaneous review, the subcommittee would recommend to the full Committee, also in a properly noticed teleconference meeting, possible changes or additions to the NOAA strategic plan to reflect MAFAC priorities. These recommendations would then be forwarded to NOAA.

Budget Tracking Model

Overall, the subcommittee agreed that the model presented was extremely responsive and helpful. They suggest the following additions:

- 1. Under Catch Shares, break down budget amount by region and program, including the amount allocated for cooperative research.
- 2. Under Data Collection, (Survey and Monitoring and possible other line items), clarify where the surveys and stock assessment activities are found, and break down by region.

Budget input and MAFAC role in budget process

Overall suggestions, for 2012, 2013 and beyond:

- 1. Consider the MARFIN process in the Southeast as a model for determining research spending priorities by region.
- 2. Request that MAFAC be informed about the regional budget requests submitted to headquarters as part of the budget process, so those priorities can be understood and supported.
- 3. Provide for adequate surveys and stock assessments in all regions to help minimize levels of uncertainty in stock abundance.
- 4. Develop a system of known criteria to determine the allocation and reallocation of funding. For example, would one basis for funding be the level of employment provided by a particular fishery?
- 5. Support a level of industry contribution to the funding of management and research priorities, such as stock assessment, particularly in those fisheries with catch share programs.
- 6. Adequately fund cooperative research in all regions.

Specific suggestions:

- 1. For FY 2012, adequately fund cooperative research.
- 2. Consider support for the ongoing ESA funding needs expressed by that subcommittee.

E. Commerce Subcommittee Report

*Transcript, Day 3, p. 403*Steve Joner, Subcommittee Chair

1. The Subcommittee recommends drafting another request an annual meeting between the Chair and the Secretary of Commerce, with signatures of all MAFAC members.

- The Subcommittee recommends NOAA allocate funds to waive costs of the voluntary seafood
 inspection during the oil spill emergency, particularly in the Gulf region, to help the Gulf of
 Mexico industries, to improve the national perception of seafood and raise the profile of the
 seafood inspection program.
- 3. Recommend that NOAA ensure that fisheries and aquaculture be recognized in the Coastal and Marine Spatial Planning (CMSP) initiative; the committee be regularly updated on progress of the CMSP initiative; and utilize MAFAC members to represent the industries.

4. Aquaculture:

- A. MAFAC acknowledges and appreciates that NOAA is using the ten-year plan to guide the national aquaculture policy.
- B. The Subcommittee requests a breakdown of the FY11 execution and FY12 budget request for aquaculture
- C. In regards to the National Aquaculture Policy, recommend that
 - MAFAC have the opportunity to comment and provide input on the policy before it is finalized
 - ii. NOAA consider an aquaculture initiative to launch with the policy when it is finalized and released, including re-appropriations of the FY2012 budget.
- D. Recommend NOAA consider a major aquaculture initiative that includes:
 - Promotion of public health benefits of farmed and wild fish;
 - Regional initiatives, including NMFS regional coordinators to increase training for commercial fishermen to use aquaculture to complement wild harvest or as an alternative livelihood; and promote common property aquaculture as an option for working waterfronts;
 - iii. Promoting increased production, including developing performance measures and accountability; and
 - iv. Implementing the national aquaculture policy.
- E. Request again a briefing or presentation on the fisheries loan programs: past and current experiences, and impediments to utilizing funds for aquaculture development and demonstration projects, catch shares, stranded funds in CCF, and how to make better use of this programmatic tool through changes in authority or operation. Also recommend raising debt ceiling, allow other than zero risk loans, revive working capital/operating cost revolving loan fund, and amend CCF to allow funds to be invested in aquaculture. [original request in November 2009]

MARINE FISHERIES ADVISORY COMMITTEE June 29-July 1, 2010 ◆ Juneau, AK



Prospector Hotel

375 Whittier Street, Juneau AK Phone: 907-586-3737

| Time | Min. | Subject | Presenter |
|-------------|------|---|--|
| 8:30-8:45 | 10 | Introductions, Opening Remarks | Eric Schwaab Assistant Administrator, NMFS |
| 8:45-8:50 | 30 | Agenda Review Review of Action Items | Tom Billy, Chair |
| 8:50-10:00 | 70 | Deepwater Horizon – Part I (Informational, Action as needed) Overview of status of spill and closures | Eric Schwaab |
| | | Science Enterprise Monitoring and assessment -informing & evaluating management decisions; mitigation actions; impacts (seafood safety, ecological, and economic/community dimensions) | Dr. Steve Murawski , Director of Scientific Programs and Chief Science Advisor (By Teleconference) |
| | | Regulatory responsibilities Permit review of OCS operations – protected resources and habitat (EFH and HAPC) | Jim Lecky, Director Office of Protected Resources Jon Kurland, Assistant Regional Administrator for Habitat Conservation |
| 10:00-10:15 | 15 | Break | |
| 10:15-12:15 | 120 | Deepwater Horizon – Part II – (continued) Natural Resources Damage Assessments What's involved immediately, in the short | Robert Wolotira, Habitat Restoration Specialist, NMFS |
| | | term, and in the long term Fishery Disaster Declarations Why is this different from other declarations Current challenges & potential long term impacts | Restoration Center, Seattle Eric Schwaab |
| | | Lessons Learned from the Exxon Valdez Science; damage assessments; dispersants chemistry; restoration | Dr. Jeep Rice, NMFS Habitat Assessment & Marine Chemistry Program Manager Dr. Phil Mundy, Director, Auk Bay Laboratories |
| 12:15-1:30 | 75 | Lunch | |
| 1:30- 4:30 | 180 | Subcommittee Meetings -Protected Resources & Ecosystem Management (jointly) Discuss DWH spill and MAFAC priorities/ recommendations, as needed | Subcommittee Chairs Catherine Foy Tom Raftican |
| 4:30 | | Adjourn for the day | |

MARINE FISHERIES ADVISORY COMMITTEE June 29-July 1, 2010 → Juneau, AK

| Time | N4: | Cubicat | Descenter | |
|-------------|------|--|---|--|
| Time | Min. | Subject | Presenter | |
| 8:30-9:30 | 60 | Aquaculture Update (Informational & Action) Overview of Listening Sessions Provide feedback on key issues raised Next steps – Draft Policy | Michael Rubino , Director Aquaculture Program <i>(tentative)</i> | |
| 9:30-10:30 | 60 | Recreational Fisheries Summit (Info and Action-engagement of RFWG) Outcomes and next steps Engagement of Recreational Fisheries Working Group (RFWG) | Eric Schwaab/Ken Franke | |
| 10:30-10:45 | 15 | Break | | |
| 10:45-12:15 | 90 | Protected Resources Program (Response to PR Subcommittee/MAFAC Request) Overview of Agency responsibilities Prioritization of resources ESA-Species listing, delisting, & research Climate change impacts Fisheries observers and Category I, II, and III Fisheries | Jim Lecky, Director Office of Protected Resources | |
| 12:15- 1:15 | 60 | Lunch | | |
| 1:15 – 2:15 | 60 | Budget & Strategic Planning (Info & Action – input on budget tracking and comments on Strategic Plan) Budgetary issues related to DWH Budget tracking by priority area 2012 & planning for FY2013 and beyond NOAA Next Generation Strategic Plan MAFAC – Vision 2020 Updates | Paul Doremus, Acting Deputy Assistant Administrator, NOAA PPI (By Teleconference) | |
| 2:15 – 2:45 | 30 | Public Comment | | |
| 2:45 - 3:00 | 15 | Break | | |
| 3:00 – 5:00 | 120 | Subcommittee Meetings Recreational Fisheries Review/discuss input from RFWG Protected Resources Discuss presentation, develop recommendations and work plan | Subcommittee Chairs Ken Franke Cathy Foy | |

MARINE FISHERIES ADVISORY COMMITTEE June 29-July 1, 2010 → Juneau, AK

| Day 3 – Thursday, July 1, 2010 | | | | |
|--------------------------------|------|---|--|--|
| Time | Min. | Subject | Presenter | |
| | | | | |
| 8:30 –10:30 | 120 | Strategic Planning, Budget, Program Management Discuss budget tracking and develop recommendations, as needed Comments on NOAA Strategic Plan Commerce Discuss recommendations for Aquaculture Program/policy | Heather McCarty Steve Joner | |
| 10:30-10:45 | 15 | Break | | |
| 10:45 –11:15 | 30 | Catch Share Policy | Dr. Mark Holliday , Director Office of Policy | |
| 11:15-12:15 | 60 | Report Out: Ecosystem Management & Protected Resources Subcommittees – on DWH and OCS activities | Tom Raftican Catherine Foy | |
| 12:15 –1:30 | 75 | Lunch | | |
| 1:30 - 2:15 | 45 | Protected Resources -other topics & work plan | Catherine Foy | |
| 2:15 – 2:45 | 30 | Report Out: Recreational Fisheries | Ken Franke | |
| 2:45 – 3:15 | 30 | Strategic Planning, Budget, Program Management | Heather McCarty | |
| 3:15 3:30 | 15 | Break | | |
| 3:30 – 4:00 | 30 | Report Out: Commerce | Steve Joner | |
| 4:00 – 4:30 | 30 | New Business; Next meeting | Mark Holliday | |
| 4:30 | | Adjourn | | |